

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

VILLAGE OF TAOS SKI VALLEY, a New
Mexico municipal corporation, and
INTEGRATED WATER SERVICES, INC.,
a Colorado corporation

Plaintiffs,

v.

Civ. No. 23-297-GJF/SCY

OVIVO USA, LLC a Delaware
limited liability company and
LIBERTY MUTUAL INSURANCE
COMPANY, a Massachusetts corporation,

Defendants.

STIPULATED ORDER ON DEFENDANTS' JOINT MOTION TO DISMISS

THIS MATTER is before the Court upon the Parties' stipulation on Defendants' Joint Motion to Dismiss [ECF 10] ("Motion"). Having reviewed the stipulation, the Court finds that the parties have reached agreement on the Motion for the following reasons:

1. On April 28, 2023, Defendants filed a Joint Motion to Dismiss, seeking dismissal of this matter due to Plaintiffs' failure to engage in mediation prior to filing suit, as mandated by New Mexico's Public Works Mediation Act ("PWM Act"), or in the alternative, stay this case pending such mediation.

2. Plaintiffs filed a Joint Response on May 4, 2023, wherein they advise they have no objection to participation in mediation under the PWM Act and entry of a stay pending completion of the mediation.

3. Accordingly, the Parties have stipulated to a stay of this matter pending completion of the mediation under the PWM Act.

4. The Parties have stipulated the stay shall last for a period of four (4) months from entry of this Order, with each reserving the right to seek an extension of such time period, if necessary.

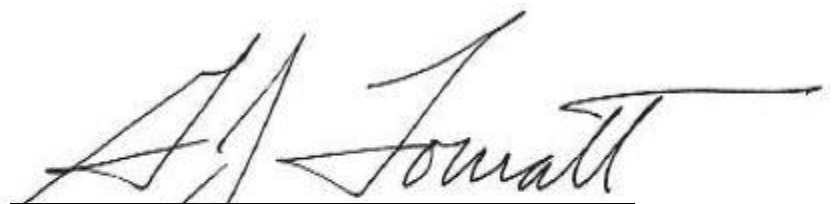
5. The Parties further agree and stipulate that Plaintiffs will bear their own respective costs and attorney's fees associated with the Motion, and Defendant Ovivo will bear Defendants' costs and attorney's fees associated with the Motion.

6. Pursuant to stipulation and agreement of the Parties, this Court hereby finds there is a good basis for stay and no irreparable harm will result from entry of a stay and therefore **GRANTS** Defendants' Joint Motion in Part.

IT IS THEREFORE ORDERED that this matter is **STAYED** pending the Parties' participation in mediation under the PWM Act.

IT IS FURTHER ORDERED that the Parties shall file a joint status report to update the Court on the parties' mediation efforts no later than **September 20, 2023**.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent